

P-5221

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Klaus W. Berndt
Serial No.: 09/752,984 Art Unit: 2827
Filing Date: January 2, 2001 Examiner: M. Tremblay
For: **Apparatus for Measuring the Volume of Individual Red Blood Cells**

Commissioner for Patents
Alexandria, Virginia 22313

TERMINAL DISCLAIMER TRANSMITTAL FORM


Sir:

Applicants herewith enclose a Terminal Disclaimer for the above-identified U.S. patent application.

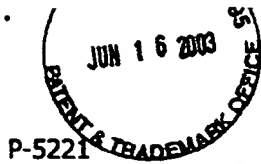
The Commissioner is hereby authorized to charge \$110.00 and any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-1666.

Triplicate copies of this sheet are attached.

Dated: 6/12/03

By 
Bruce S. Weintraub
Attorney for Applicants
Reg. No. 34,277

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Document #66787



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TERMINAL DISCLAIMER

Sir:

Your Petitioner, **Becton, Dickinson and Company**, a New Jersey corporation with a place of business at 1 Becton Drive, Franklin Lakes, Bergen County, New Jersey 07417, represents that it is the assignee of the entire right, title and interest, by assignment recorded in the United States Patent and Trademark Office at reel/frame 011804/0592 of the patent application U.S. Serial No. 09/752,984, filed on January 2, 2001, for Apparatus for Measuring the Volume of Individual Red Blood Cells of Inventor Berndt.

The petitioner hereby disclaims the terminal part of any U.S. patent granted on the above-identified application of U.S. Serial No. 09/752,984 which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 of presently shortened by any terminal disclaimer, of U.S. Serial No. 09/753,197. The petitioner hereby agrees that any U.S. patent so granted on the above-identified application of U.S. Serial No. 09/752,984 shall be enforceable only for and during such period that the legal title to U.S. Serial No. 09/753,197 (as recorded in the United States Patent and Trademark Office at reel/frame 011710/0802 to Becton, Dickinson and Company), shall be the same as the legal title to U.S. Serial No.

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09/752,984 this agreement to run with any patent granted on the above-identified application U.S. Serial No. 09/752,984 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any U.S. patent granted on the above-identified application of U.S. Serial No. 09/752,984, prior to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer of U.S. Serial No. 09/753,197, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a re-examination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer filed prior to the grant of the patent, except for the separation of legal title stated above.

The undersigned has reviewed the evidentiary documents referred to in this Terminal Disclaimer and certifies that to the best of his knowledge and belief, title to U.S. Serial No. 09/752,984 and U.S. Serial No. 09/753,197 is in Becton, Dickinson and Company.

The undersigned (whose title is supplied below) is empowered to act on behalf of Becton, Dickinson and Company with respect to this document.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 6/12/03

By: 
Bruce S. Weintraub
Attorney for Applicants
Reg. No. 34,277

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